

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. CR 20-0006 CJW
Plaintiff,)	
)	
vs.)	
)	
ROMEL MURPHY,)	
)	
Defendant.)	

Motion to Extend Deadline for Filing a Notice of Appeal

COMES NOW the defendant, pursuant to Federal Rule of Appellate Procedure 4(b)(4), and files this motion to extend the deadline for filing a possible notice of appeal.

Fed.R.App. 4(b)(4) states:

Upon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

On October 21, 2021, the District Court entered judgment in the above criminal case. Docket No. 63. Pursuant to Fed.R.App. 4(b)(1)(A), the deadline for the filing of the notice of appeal in criminal cases is fourteen days from the date of filing of judgment. Thus, in the instant case, the deadline for filing the notice of appeal is November 4, 2021.

On today's date, the undersigned was appointed to represent the defendant. Docket No. 70. The defendant's prior counsel apparently advised the defendant that prior counsel was "busy with other cases" and could not assist defendant with a possible appeal.

For good cause, the defense requests an extension of the current November 4 deadline by twenty nine days, up to and including Friday, December 3, 2021, to file the possible notice of appeal. The defense has established good cause due to: (1) the apparent refusal of prior counsel to assist defendant in discussing a possible appeal; (2) the very recent appointment of the undersigned; (3) the undersigned not being familiar with any of the district court proceedings or substance of the charge to which defendant was sentenced—the undersigned needs time in which to become familiar with the case; and, (4) the defendant being located in the Chicago, IL, area.

The defense contacted AUSA Kyndra Lundquist who has no objection to the instant motion.

Dated and filed this 3rd day of November, 2021.

/s/ Raphael M. Scheetz
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